R9372-2

Refugee Reports

A News Service of the U.S. Committee for Refugees
1025 Vermont Avenue NW, Suite 920 Washington, DC 20005 (202) 347-3507

Volume XI, Number 8 August 24, 1990

DESPITE U.S. POLICY MOVES ON CAMBODIA CONFLICT, INDOCHINESE REFUGEES, "INTRACTABLE PROBLEMS" REMAIN

In what has been called everything from a breakthrough to a setback to business-as-usual, Secretary of State James Baker 3rd announced on July 18 that the United States was changing its policy on Cambodia in three respects. In order to "do what we can to prevent a return to power by the Khmer Rouge," Baker said, "we have determined that we will open a dialogue with Vietnam about Cambodia, we will be prepared to enhance our humanitarian assistance to Cambodia, and we will... change what has been our policy regarding the seat at the United Nations which has been held by a coalition that includes the Khmer Rouge."

While it would continue to support the two non-communist factions led by Prince Norodom Sihanouk and former prime minister Son Sann, who are allied with the Khmer Rouge in the tripartite Coalition Government for Democratic Kampuchea (CGDK), the United States would withdraw recognition of the CGDK's UN seat, Baker said.

In 1979, following nearly four years of Khmer Rouge control during which more than one million people died, Vietnamese troops invaded Cambodia, driving the Khmer Rouge into Thailand and installing a friendly government in Phnom Penh, now headed by Prime Minister Hun Sen. In 1982, the CGDK was formed, and ever since it has been recognized as the legitimate government of Cambodia by a majority of nations in the UN General Assembly, including the United States.

The U.S. moves met with approval from Vietnam and the Cambodian government in Phnom Penh, and mixed reviews in the United States. But whatever their views on the policy change, most observers agree that, in the short term, the civil war in Cambodia is likely to heat up, generating more internal displacement of people and more flows of refugees.

The convergence of what Baker called "the two most intractable problems in the region today--the Cambodian conflict and Indochinese refugees" continues to create frictions between the United States and its allies in Southeast Asia.

Despite "Adjustments", Overall U.S. Policy Goals in Cambodia are Unchanged Baker said that the key factor

IN THIS ISSUE:

Do the recently announced changes in U.S. policy on Cambodia constitute a major shift or a modest adjustment, and what are the implications for Cambodian refugees? Court Robinson examines these questions in this month's issue.....1

- Recent Developments

House holds hearing on Solarz refugee loan fund bill.....7

- Update

House Judiciary passes legal immigration bill, Moakley to attach safe haven 10
Human rights violations in Burma since the elections..11
FY 90 refugee admissions numbers transferred among regional ceilings.....11
Nicaraguan asylum denial notices resume.....11

- Current Research

Asencio Commission releases report on unauthorized migration.....11

- Resources

Two studies on Cambodian women and children in Cambodia and refugees in Thailand...14

- Statistics 16

driving the U.S. moves was the withdrawal of Vietnamese troops from Cambodia. "We have realized that goal," he said. In September 1989, after a ten-year occupation, Vietnam withdrew most if not all of its estimated 140,000 troops from Cambodia. Although there is some debate as to how many Vietnamese forces still remain in Cambodia, Baker's comment that "we do have now Vietnamese troops out of Cambodia" was the first such acknowledgement by a senior U.S. official.

Another overall U.S. goal in Cambodia was preventing a Khmer Rouge return to power, but "it would appear that the risks are greater as we move forward that that might, in fact, occur," Baker said. Recent press reports have noted steady military gains by Khmer Rouge guerrillas, bringing them to within 50 miles of the Cambodian capital in Phnom Penh.

The third overall U.S. goal is that "we would like to see free elections in Cambodia," Baker said. Despite the new diplomatic and humanitarian efforts, he suggested, these goals were unchanged.

In addition to the withdrawal of Vietnamese troops from Cambodia, growing dissent in Congress provided added impetus for the policy shifts, Baker said. On June 27, the House of Representatives voted 260 to 163 to provide $7 million in nonlethal aid to the noncommunist resistance (NCR), but opposition was intense. Passage of the legislation was assured only after Rep. Stephen J. Solarz (D-N.Y.), author of the aid bill, offered an amendment requiring that "the President shall terminate assistance...to any noncommunist resistance organization that he determines is engaged in a pattern of military cooperation and coordination designed to assist the Khmer Rouge."

The Senate Intelligence Committee later voted to cut off an estimated $10 million in covert aid to the NCR, according to The Washington Post.

"In the absence of a bipartisan policy approach," Baker said, "I think it will be ever more difficult to continue to generate the funds that we need from the Congress to continue this support" to the NCR.

Testifying before the Senate Foreign Relations Subcommittee on Asian and Pacific Affairs on July 20, Richard H. Solomon, Assistant Secretary of State for East Asian and Pacific Affairs, said that the changes in U.S. policy were simply "adjustments" and "revisions...designed to encourage flexibility on the part of the key participants in this conflict, and to maintain strong support at home for our efforts."

Despite these changes, Solomon suggested, the cornerstones of U.S. policy on Cambodia remain in place, including aid to the NCR, and the diplomatic and economic isolation of Cambodia. "We are considering contacts with the Phnom Penh regime," Solomon said, but "only if it would advance our goal of free and fair elections."

Senate Asks if New U.S. Policy is "Too Little, Too Late" Sen. Claiborne Pell (D-R.I.), chairman of the full committee, said, "We should also be seeking an immediate ceasefire and a cut-off of all outside military aid. I hope the new policy is not too little, too late to save Cambodia."

"American policy is in conflict with itself," said Sen. Bob Kerrey (D-Neb.). "On the one hand we openly state that the Khmer Rouge are anathema..., while on the other we negotiate and work with a coalition that they dominate. We have called for an end to the fighting while privately acknowledging that with or without a political settlement the Khmer Rouge will go on shooting. We have maintained a one-dimensional commitment to the noncommunist resistance groups who, left to their own devices, have no reasonable chance for victory."

Sen. Frank Murkowski (R-Alaska) called the Administration's moves "a welcome development, but I believe it is necessary to go further." Saying that the United States "has a clear interest in the survival of the noncommunists as a political force," Murkowski urged the U.S. government to help "forge a coalition between the current Phnom Penh government and the noncommunists, [thereby] isolating the Khmer Rouge."

But in a letter to the Senate committee, Sihanouk's son, Norodom Ranariddh, said that the NCR "will never collaborate" with the Phnom Penh regime, "because not only are its leaders former Khmer Rouge who were also involved in crimes against humanity, but they have betrayed the country to the classical enemy," the Vietnamese.

Solomon reiterated the Administration's support for a "comprehensive political settlement," which would include the establish-

ment of a "Supreme National Council" representing the various Cambodian political factions, as well as a UN transitional authority that would maintain peace and administer the country "in order to ensure a neutral political environment conducive to free and fair general elections."

On July 24, 66 senators wrote to President Bush, saying they were "pleased by the policy revisions," but "there are several additional steps which we believe the Administration should now take." Specifically, the United States should make "active efforts...to deny the resistance coalition's credentials in the United Nations as long as the Khmer Rouge is a member"; investigate reports of NCR military cooperation with the Khmer Rouge; allow development aid to be provided to Cambodia; and open up "direct contacts with representatives of the regime in Phnom Penh."

"Rather than emphasizing an interim power-sharing arrangement," the senators wrote, "the U.S. diplomatic effort should focus on achieving an agreement to hold elections at the earliest possible time, which should include the return and full participation of the noncommunist elements."

Baker Defends U.S. Policies to Unreceptive ASEAN Foreign Ministers If most senators were critical that the Bush Administration's policy on Cambodia was "not new enough" as one put it, Baker encountered a very different sort of dissent when he travelled to Jakarta, Indonesia to meet with the foreign ministers of the six-member Association of Southeast Asian Nations (ASEAN). Prior to Baker's arrival on July 27 for three days of talks, the ASEAN ministers--representing Thailand, Indonesia, Singapore, Malaysia, the Philippines, and Brunei--issued a statement calling the CGDK seat at the United Nations "a delicate political question." Efforts to change the seat, said the ASEAN ministers, "would set back the search for a comprehensive political solution to the Cambodian problem."

Singapore Foreign Minister Won Kan Seng called the U.S. announcement "unhelpful". Said an Indonesian official, "There's a growing feeling in ASEAN that you just can't rely on consistency in United States policy." A number of ASEAN ministers vowed to continue to vote for the CGDK seat in the United Nations.

In his statement at the opening session of the ASEAN post-ministerial conference, Baker appealed for unity. "Continued support for the coalition at the UN is only providing the Khmer Rouge with diplomatic cover for its military maneuvers.... Cambodia's UN seat should belong to a freely elected government--or, as a transitional arrangement, to Cambodians committed to a free and fair election in the context of a comprehensive settlement that includes a ceasefire and a halt of violence against civilians."

Following the conference, Indonesian Foreign Minister Ali Alatas said, in regard to the CGDK seat, "It is here that we differ, that we continue to differ. We now understand better the United States' position, why it believes that it cannot now any more support the CGDK.... We have a different view."

Standoff on Vietnamese Refugees Continues, Despite New U.S. Proposals The ASEAN foreign ministers offered a still more critical assessment of new U.S. proposals to reach regional consensus on the question of screened-out Vietnamese asylum seekers. Under the terms of the international "Comprehensive Plan of Action" (CPA) that was endorsed in Geneva by more than 50 countries in June 1989, all Vietnamese asylum seekers are to be given temporary refuge while they are interviewed by host country officials to determine their status. Those screened in as refugees are allowed to seek resettlement, while the screened-out are to return home. Disagreement on this last point has threatened to undo the CPA.

The ASEAN countries, along with Hong Kong, insist that the screened-out should be returned to Vietnam, voluntarily if possible, involuntarily if necessary. The two holdouts against involuntary repatriation have been the United States and Vietnam.

At a Manila meeting this May, the ASEAN countries and Hong Kong issued an ultimatum directed largely at the United States: either agree to involuntary repatriation or, as an "interim solution," establish a holding center somewhere for the screened out to wait until they choose to go home.

"Failure to agree on even an intermediate solution," the asylum countries warned, gave them the right "to take such

Map of Cambodia and Refugee Camps on the Thai-Cambodian Border

Cambodian refugee camps, under the control of:

- ▲ Khmer Rouge
- ○ Khmer People's National Liberation Front (Son Sann)
- ■ Prince Sihanouk's group
- △ United Nations High Commissioner for Refugees

Camp populations, August 1990, total about 320,200.

SITE 2	165,429	SITE B	57,419	KHAO I DANG	12,666
Dong Ruk	22,329	SITE 8	39,881	SITE K	12,024
San Ro	14,353	O'TRAO	21,280	BAN THAT	2,125
Ban Sangae	28,259	SOK SANN	9,337		
Nong Chan	26,651				
Samet	73,837				

Source: United Nations Border Relief Operation

unilateral action as they deem necessary to safeguard their national interests, including the abandonment of temporary refuge."

Since May 1989, Malaysia has pushed back more than 9,000 Vietnamese asylum seekers, leading to at least six deaths.

In his statement to the ASEAN ministers, Baker said that the "shared benefits and obligations" of the CPA form a commitment that is "extraordinarily well worth preserving." But, he said, "Recently, some have proposed a different approach--the path of critical finger-pointing--and they seem willing to risk the collective, comprehensive effort that has accomplished so very much. We believe that this would be a tragic mistake: It would leave the nations of this region to reap a whirlwind of humanity without international support."

"The CPA is working," Baker asserted, citing among other things the fact that more than 3,000 people have returned voluntarily from Hong Kong to Vietnam since March 1989 "and new arrivals to Hong Kong are way, way down." In June, 737 people arrived in Hong Kong, compared to 9,704 in the same month last year, according to the UN High Commissioner for Refugees (UNHCR). In the region overall, Vietnamese arrivals are down 35 percent as compared to last year.

"Nevertheless," said Baker, "we understand that a comprehensive multilateral effort must meet the concerns of all of its contributors.... While we continue to oppose involuntary repatriation, we are willing to support UNHCR's suggestion for a new category of returnees--that is 'those who do not object.' And we are willing to join with others in a new best-efforts commitment to resettle or return all asylum seekers by the end of 1992."

Indonesia's foreign minister Alatas said, "We appreciate these moves, but in fairness and in all candor, we in ASEAN think that they do not yet go far enough." He insisted that "none of us in ASEAN wants [the CPA] to be scuttled," and said "we should continue to talk and try to narrow the differences further."

In a joint statement, the ASEAN foreign ministers issued a veiled warning. They noted that the United States, in opposing involuntary repatriation, has "refused to provide for effective intermediate solutions." Baker made no mention of a holding center in his statements, and one U.S. official told Refugee Reports that the idea is "virtually dead."

The ASEAN ministers reiterated their threat to abandon temporary refuge and expressed the view that "it will not be purposeful to convene the next steering committee meeting unless and until there are clear indications of willingness...to effectively address and deal with the question of involuntary repatriation."

Cambodian Boat People Not Included in CPA

As bleak as the future may look for many Vietnamese asylum seekers, at least it is taking shape. For the more than 2,000 Cambodians who have fled their country by boat since April, the future is largely blank. There are no provisions in the CPA for screening of Cambodians or for the resettlement of the screened in. "Nobody has made a decision" about this group, a U.S. official told Refugee Reports. "Nobody wants to touch this question."

During a three month period from April to June, about 1,500 Cambodian boat people reached Indonesia, some 200 to 300 reached Malaysia, and another 200 arrived in Australia, according to local press accounts.

Although the flow has stopped, at least for the moment, government officials from the asylum and resettlement countries are reluctant to start processing any cases. "They are terrified that if they take these people under the CPA wing," one official said, "all of central Cambodia will start taking to boats."

On a visit in April to Pulau Bidong refugee camp in Malaysia, Refugee Reports staff spoke with two recent Cambodian boat arrivals. Both Kong Dareth and Lam Sien Hay are single young men who had paid the equivalent of $1,500 to board a large Thai fishing vessel in the port city of Kompong Som and flee from the civil war in search of a new life overseas. "I do not want to fight for the Vietnamese, and I do not want to fight for the Khmer Rouge," Dareth said. "I heard that people who reached Malaysia would be resettled in a third country."

That option, apparently, will not be available. "As far as we are concerned," a U.S. official told Refugee Reports, "Cambodian boat people should be given asylum and interviewed to see if they are refugees. If they are refugees under the UNHCR [guidelines], they ought not to be repatriated.

We do not want any of them pushed out to sea. But including them in the CPA and presenting them for resettlement--that's out of the question."

Refugees are on the Move in Cambodia and on the Border Even as the regional climate continues to cool toward refugees, the war inside Cambodia is heating up, displacing larger and larger numbers of people. Fighting between the Khmer Rouge and Cambodian government troops has created up to 130,000 displaced persons in nine provinces surrounding Phnom Penh, according to the New York Times.

The largest numbers--at least 30,000 people--have been displaced in the northwest region near Battambang, say relief officials and diplomats in Phnom Penh. There are perhaps 15,000 displaced persons in Kompong Chhnang province, and equal numbers in Kompong Speu and Phnom Penh.

One explanation for such massive displacement is that, with the withdrawal of Vietnamese troops, the Khmer Rouge have stepped up the range and intensity of their attacks. On July 15, according to the New York Times, Khmer Rouge guerrillas blew up a train carrying civilians from Battambang to Phnom Penh, killing between 50 and 80 people and wounding 100 more. A local farmer said he saw soldiers rob wounded people of their valuables and then shoot them. "The Khmer Rouge said we were travelling on a Vietnamese train," he said.

The prospect of increased diplomatic isolation as a result of the U.S. policy shifts, some analysts say, could make the Khmer Rouge more desperate for a military solution, and could lead to more such atrocities, and more refugees.

But the displacement of civilians is also part of a military strategy by the Phnom Penh government that is reminiscent, said the New York Times, of the American "strategic hamlet" program during the Vietnam War. The Cambodian government "has evacuated peasants in these remote areas... allowing the army to move more freely and the air force to bomb." Also, the Times said, "the population movement deprives the Khmer Rouge of food, recruits, porters, and protection."

Flight into Thailand is also on the rise. According to the UN Border Relief Operation, which administers relief services to more than 300,000 Cambodian displaced persons in Thailand, camp populations have increased by more than 32,000 since February.

This increase comes despite substantial movement in the other direction. Asia Watch has reported that the Khmer Rouge and the noncommunist resistance factions "moved an estimated 20,000 people into Cambodia, sometimes forcibly" in the first three months of 1990. These movements, apparently, are continuing. Relief officials on the border have told Agence France-Presse that hundreds

Cambodian children at Site B. USCR/C. Robinson

of refugees have fled from Site B to Site 2 because of the "stepped-up militarization" in the Sihanouk camp. One official said he believed that the Khmer Rouge camp of O'Trao, now holding about 21,000 people, would be "emptied by the end of the year."

But all this upheaval could seem like a mere tremor, some are saying, if peace talks ultimately fail, or the Cambodian government collapses, and the Khmer Rouge mount a final, victorious assault on Phnom Penh. The British relief group Oxfam estimates that as many as one million Cambodians could flee their country in the wake of another Khmer Rouge takeover.

Recent Developments

HOUSE HOLDS HEARING ON SOLARZ REFUGEE LOAN FUND LEGISLATION

Certain employable refugees may be eligible for loans of up to $8,500 in lieu of federal resettlement funding, if legislation sponsored by Rep. Stephen Solarz (D-N.Y.) becomes law. But a number of public and private witnesses, testifying on July 31 before the House Subcommittee on International Operations, voiced concerns about such an approach. The Solarz proposal merits study because it seeks to bring in more refugees for less money, the witnesses said, but they also suggested that there are other costs to consider and many questions still to answer in terms of implementation and of equity.

"In a nutshell," Solarz said, "the problem as I see it is that ever since the Refugee Act of 1980, where in effect we provided funding for the resettlement of refugees in our country, we have a kind of fiscal limitation on the number of refugees that we are in a position to admit."

It will cost the federal government about $700 million to resettle 114,000 refugees in FY 90, Solarz said, but "there are many other refugees out there who would like to come to the United States but whom we are not admitting even though in every other respect they are eligible for admission simply because we don't have the money to fund their resettlement." He cited the 200,000 people who have applied to leave the Soviet Union and 100,000 former reeducation camp prisoners and family members who are seeking to leave Vietnam.

Solarz's bill, the "Refugee Guaranteed Loan Act" (H.R. 3726), would provide federal guarantees on private loans up to $8,500 made to working age, employable refugees. Participants in the loan program would be ineligible for one year for most federally funded refugee assistance programs.

The Solarz bill would require all refugees who are "determined to be able and available to assume full time employment within one year of admission into the United States" to participate in the refugee loan program, unless they are privately sponsored by a U.S. citizen in lieu of such participation. Children, the elderly, and other refugees who are unable to work would continue to be eligible for the full range of federally funded services.

"Given current demographic estimates of the refugee population and resettlement of about 100,000 refugees per year," Solarz said, "we might assume an annual total of 30,000 loan participants. Assuming program administration costs of about four percent, an average loan of $7,500, a repayment period of ten years, and a default rate of about 30 percent, estimates prepared by my staff suggest that the refugee program might save as much as tens of millions of dollars per year, which could free up funds necessary to resettle thousands of additional refugees."

"It may well be that upon further examination and exploration," Solarz said, "there are problems with this approach that render it either unwise or impractical... but this is an idea that does deserve serious consideration."

<u>State Department and State Governments Concerned with Cost Shifts</u> "While we support the concept of expanding a refugee's responsibility in the resettlement process," said Priscilla Clapp, deputy assistant secretary for refugee admissions in the State Department's Bureau for Refugee Programs, "we have a fundamental problem with the idea of placing the lion's share of the financial burden on the refugee himself. The financial burden on the refugee should not be so great that it serves to delay his or her achievement of financial independence."

Clapp distinguished refugee admissions from other avenues of resettlement, like

immigration and parole, describing the refugee program as "a small, resource-intensive shelter for people who have suffered extreme persecution. It caters to a very specific group of people."

The loan fund proposal would not only shift costs to the refugees but to state and local governments as well, according Bruce Bushart, New York state refugee coordinator. In recent years, he testified, "The federal government has steadily and deliberately shifted costs to states and localities, our average reimbursement per refugee dropping from around $5,000 to closer to $2,000. So that as we look at a loan program, we are concerned that under no circumstances should it create any further shift to states and localities. We are also mindful of the strong contribution of the private sector, and we are concerned that that resource not be overtaxed."

"States do have a very legitimate gripe," Solarz said. "The federal government mandates that, under the existing program, refugees be eligible for a variety of benefits but then provides only one year's worth of federal funding, which leaves states and localities stuck with the bill. I think that's very unfair."

But Solarz also said, "While I believe very strongly we have a moral obligation to permit these people to come here, I don't think we have a moral obligation to give them all sorts of federally funded benefits, particularly if that is making it impossible to permit other equally deserving refugees to come here."

Private Witnesses Offer Cautions and Variations on Alternative Funding Theme Monsignor Nicholas DiMarzio, executive director of Migration and Refugee Services for the U.S. Catholic Conference, said that he had "serious moral questions" about a refugee loan program. "Refugees are really victims," he said. "They are victims of social crises in their country. And victims are not the ones we want to blame for their problems. And certainly I'm not sure we want to have victims also pay for their rescue."

The voluntary agencies "are indeed concerned about the costs" of resettlement, DiMarzio said, "and we are convinced that we can do it for less than what is currently being spent." He said he favored "testing a small pilot loan program" in order to assess its merits and demerits.

"If the larger concern is money," DiMarzio continued, "we have to look at the ORR [Office of Refugee Resettlement] budget," where substantial savings could be achieved by addressing what he called the "inappropriate use of welfare for employable refugees."

"The heart of the problem is that we are spending too much money in the support system for refugees," DiMarzio said. "I think we can spend less and accomplish the same goals that are part of this bill."

DiMarzio urged Congress to "seek to revamp refugee access to public assistance so that the majority of refugees can more quickly become self-sufficient.... We believe that the voluntary agencies should have a greater role in this process, instead of turning over most refugee families to the public welfare system 30 days after they arrive in our country."

Testing of a pilot refugee loan program was supported by Gary Rubin, director of national affairs for the American Jewish Committee, although he cautioned, "We should not use study as a delaying tactic but as a real means to find out whether loan programs can work."

Rubin raised several concerns about the Solarz proposal in its current form, relating to goals, expectations, incentives to repay, equity, and indebtedness. "The sole legitimate rationale for a refugee loan program would be the extra money it could raise to rescue and resettle more refugees," Rubin said. "If refugee budgets simply get cut by the amount brought in by the program, it is not worth the effort."

"If loans were administered by voluntary agencies with a portion of the repayment going to meet their costs," Rubin said, that would build additional incentives into the system to repay loans. But even with an efficient collection mechanism, he estimated that there would be a 30 percent recovery rate on refugee loans. Inflated expectations about repayment rates, he said, could doom the program to failure.

"Loan programs must enhance equity among refugee groups," Rubin said. "If repayment burdens or interest rates are too high or repayment periods too short, loan programs will favor refugees from wealthy communities over those with few or no resources." A

On July 11, Sen. Howard Metzenbaum (D-Ohio) introduced a bill to amend the Immigration and Nationality Act "to augment funds available for refugee expenses with funds paid by the refugees themselves." Although there have not been hearings or substantial discussions on the Metzenbaum bill, it is included here for purposes of comparison with the Solarz legislation.

SOLARZ BILL: "REFUGEE GUARANTEED LOAN ACT" (H.R. 3726)

Statement of Purpose: To establish a Federal program of refugee loan guarantees to encourage private lenders and nonprofit private institutions and organizations to provide loans to eligible refugees.

Program Requirements:
(1) Eligibility for Assistance: To be eligible for assistance, an individual (a) must be eligible for admission to the United States as a refugee, and (b) must be able and available to assume full-time employment within one year of admission.

(2) Eligibility for Admission: Refugees who are eligible for assistance may not be admitted to the United States if they do not participate in the loan program, unless they are sponsored privately by a U.S citizen in lieu of participation.

(3) Limited Availability of Other Federa Assistance: For one year after the date admission, a refugee admitted into the United States under the refugee loan program will be ineligible for (a) Aid to Families with Dependent Children, (b) Food Stamps, (c) Supplemental Security Income, and (d) federally assisted programs of refugee assistance. Such a refugee will be eligible for Medicaid and Medicare.

(4) Loan Maximum: A refugee admitted under the refugee loan program will be eligible for loans in an amount based on demonstrated need, which may not exceed $8,500.

(5) Payment of Principal and Interest: Repayment of refugee loans, plus interest, will begin two years after the loan was incurred and must be repaid in not more than ten years. Terms of repayment will be established by the State Department. Loan repayment may be deferred if a refugee is enrolled as a full-time student at an institution of higher education.

METZENBAUM BILL: "REFUGEE REPAYMENT ACT" (S. 2842)

Statement of Purpose: To generate funds for the admission of an increasing number of refugees into the United States through (1) expansion of the existing system whereby refugees repay the cost of their transportation to the United States to include a larger portion of U.S. government expenditures for refugee resettlement, (2) the provision of funds to augment the annual federal appropriation for refugee operations, (3) the creation of a new "special refugee" class to provide for the admission of refugees who will be exempt from the new repayment provisions, and (4) improved tracking of refugees settling in the United States for the purpose of increasing the recovery of debts owed by refugees to the federal government.

Program Requirements:
(1) Consultation with Congress: The Administration will provide figures on the average federal cost of processing, transporting, admitting and resettling refugees.

(2) Repayment of Refugee Costs: Other than refugees whose expenses are being paid by private sponsors, refugees who are 18 or older will be obligated to pay the U.S. Treasury one-half of the average cost per refugee for that fiscal year. Preferential repayment terms will be given to disabled, elderly, or other designated refugees.

(3) Granting of Special Status for Certain Refugees: Certain individuals who (a) have been granted refugee status by the Attorney General, (b) have not been allocated an admissions number for that fiscal year, and (c) have paid the U.S. government one half of the average per capita costs of resettlement will be permitted to enter the United States as "special immigrants." Their admission would not be counted under the worldwide refugee admissions ceiling, but they would be eligible for assistance.

successful program must also "be sensitive to refugees' levels of indebtedness and take care not to burden them excessively."

As far as repayment of the loan was concerned, said Nguyen Ngoc Bich, secretary general of the National Congress of Vietnamese in America, "I may say categorically that most Vietnamese are very good at repaying debts--as long as it is made perfectly clear to them that this is a loan and not a charitable contribution." Bich called the Solarz proposal "a very imaginative response" to a situation of "growing refugee numbers" and "stringent budget constraints."

Bich recommended that the refugee loan program should be made "a bonus program--taking in refugees beyond and above the ceiling established for the funded program." Other possibilities, he said, "may include making the loan program applicable to the PIP (public interest parolee) program, the political prisoners program from Vietnam, and even to the PSI (private sector initiative) program. In this way the loan program becomes an incentive to these other programs."

"Anything piecemeal troubles me," said Mark Handelman, executive vice president of the New York Association for New Americans. "There may be a way to incorporate this [loan program] feature into a total approach that makes sense.... I really feel that this is an opportunity for us to perhaps bring together all aspects of the partnership in refugee resettlement and do a study of the program which has been in effect since the Refugee Act of 1980, recognizing that the world has changed greatly in ten years and we have learned a great deal and developed a body of knowledge and extensive practice in this field."

"I would recommend," Handelman said, "that over the next six months Congress work with representatives of the Administration, state and local governments, voluntary agencies, and refugee communities to evaluate past practices and new ideas in anticipation of fundamental reforms in our resettlement system."

"You have all raised very thoughtful and tough questions," Solarz told the private witnesses. "Some of you have advanced some constructive answers.... I can only tell you that I will not seek to advance any legislation along these lines unless and until I am satisfied there are good answers to these questions, because the whole point is to facilitate the entry of additional refugees and not to significantly diminish the opportunities for those who are already here."

Update

° On August 1, the House Judiciary Committee approved by a 23-to-12 vote a substitute to H.R. 4300, the "Family Unity and Employment Opportunity Immigration Act of 1990."

The legal immigration bill would allow 300,000 family-related immigrant visas per year for the next five years and 65,000 employment-related visas per year until 1997, and 75,000 per year thereafter. The bill also includes "diversity" provisions that would allow 55,000 immigration visas per year starting in FY 94, principally from Europe and Africa. The substitute bill dropped earlier provisions relating to criminal aliens, which had been opposed by a coalition of nongovernmental organizations working on immigration and asylum issues. Many of these provisions, however, are included in a "crime" bill that has also passed the House Judiciary Committee. H.R. 4300 exempts refugees from annual immigration caps. Provisions of the bill with implications for groups in refugee-like circumstances include:

- allowing 15,000 visas per year for the next three years for "displaced aliens," including East Europeans who have resided in third countries since before October 1989, but who have not been firmly resettled, and up to 1,000 Tibetans in India and Nepal.
- providing Lebanese nationals with 250 and 750 additional visas for second and fifth preference, respectively, through 1995.
- removing the annual cap of 5,000 on the number of asylees permitted to adjust their status to that of permanent resident.

Congressional sources have informed Refugee Reports that Rep. Joe Moakley (D-Mass.), chairman of the House Rules Committee, intends to attach H.R. 45--known as the Moakley/DeConcini bill--to H.R. 4300,

when it reaches his committee on its way to a House floor vote.

The House version of Moakley/DeConcini, which passed that body on October 25, 1989 as a free-standing bill, would provide temporary safe haven for Salvadorans, Nicaraguans, and Chinese nationals in the United States, as well as generic language concerning the criteria for granting "temporary protected status" in the United States (see Refugee Reports, Vol. X, No. 11). The DeConcini version of the bill (which includes neither Chinese nationals nor generic safe haven language) has not been voted on by the full Senate. Moakley's strategy is to force the Senate to consider temporary safe haven in the conference that will resolve differences between the House and Senate versions of the legal immigration bill or to win concessions from the Administration to protect vulnerable nationalities, according to Congressional sources.

° Even after the landslide victory of the opposition National League for Democracy in the May 1990 elections, the military government in Burma has "maintained its hold on power and has continued to commit gross human rights violations," according to Asia Watch. These violations include the detention and forced conscription of refugees pushed back from Thailand in recent months.

On August 8, Burmese troops opened fire on a crowd of about 5,000 people marching in peaceful demonstrations in Mandalay, Asia Watch reported. At least four people were killed and several more wounded. Among other human rights abuses, the government has continued to arrest and torture political prisoners since the elections. Five prisoners reportedly were executed.

On July 5, according to Asia Watch, Thailand repatriated 45 Burmese asylum seekers, escorting them directly to a Burmese army post at Three Pagodas Pass. "The detainees were photographed and handed over," said the Asia Watch report, "at which point the Thai officer in charge said through an interpreter: 'We are handing them over as you demanded.'" Nearly all of the Burmese, including several women, were conscripted for porter service and one man was badly beaten.

° On July 16, and earlier on May 11, the State Department has transferred numbers of refugee admissions for this fiscal year within the various regional ceilings, resulting in decreases for Eastern Europe, the Near East/South Asia, and Latin America and increases for the Soviet Union and Africa, as follows:

Ceiling Changes	From	To
Eastern Europe	6,500	6,200
Latin America	3,500	2,800
Near East/South Asia	6,500	5,000
Soviet Union	50,000	52,000
Africa	3,000	3,500

° On July 2, the INS resumed sending out notices to Nicaraguan asylum applicants who had been denied asylum, a practice which had been suspended since 1987. Denial notices are being sent out at a rate of 200-300 per week, according to an INS source. Between 12,000 and 14,000 Nicaraguans whose asylum applications have been denied are yet to be notified. Another 27,129 have yet to have their applications adjudicated.

Current Research

ASENCIO COMMISSION RELEASES REPORT ON UNAUTHORIZED MIGRATION TO THE UNITED STATES

U.S. immigration policy is "ambivalent and incoherent" and the laws on migration matters "outdated and in urgent need of reform," according to a major new report from the Commission for the Study of International Migration and Cooperative Economic Development. The report recommends that reform should begin by "centralizing the current widely dispersed government structure for handling immigration and refugee affairs in a single agency whose head reports to the President."

Congress created the bipartisan Commission as part of the Immigration Reform and Control Act of 1986 with the mandate to examine economic development responses to unauthorized migration from Mexico, Central America, and the Caribbean to the United States.

The twelve-member Commission, chaired by Diego Asencio, former ambassador to Brazil and Colombia and a former assistant secretary of state for consular affairs, "interpreted its mandate not as being hostile to

immigration--immigrants have constantly renewed and revitalized American society--but rather as seeking to reduce our undocumented population and the attendant potential for its continued exploitation," the report said. "Our work was also one of hope--of how to promote development, not enforcing restrictions."

Through a three-track process of consultations abroad, domestic hearings, and research, the Commission reached two "fundamental" conclusions:

- although there are other important factors, the search for economic opportunity is the primary motivation for most unauthorized migration to the United States; and

- while job-creating economic growth is the ultimate way to reduce these migratory pressures, the economic development process itself tends in the short to medium term to stimulate migration by raising expectations and enhancing people's ability to migrate.

"The issue for many countries is stark: they either export goods and services to create jobs at home, or they export people," said the 110-page report titled "Unauthorized Migration: An Economic Development Response." The report concluded that "expanded trade between the sending countries and the United States is the single most important long-term remedy to the problem" of unauthorized migration.

Commission Seeks U.S. Policy Coherence in Centralized Agency for Migration Affairs

In the near term, the report recommended that more attention should be paid to the migration consequences of foreign policy decisions, whether economic or political. "U.S. immigration policy has long been ambivalent and often incoherent," the commission said. "Beyond that, national preoccupation with immigration policy is, at best, a cyclical concern. More often than not, it responds to one or another dramatic, unanticipated emergency.

"Thus, events such as the large-scale exodus of Vietnamese and Haitian boat people, Cuban refugees, and the dispossessed of Central America have all driven U.S. immigration policy much more than measured foresight."

"This is our principal institutional message," said the Commission, "that a governmental structure be designed to assure that the issue of migration receive as much attention as the consuming but often transient day-to-day concerns that otherwise dominate the policy process. We believe coherence could best be achieved by centralizing and streamlining the current widely dispersed government structure for handling migration and refugee affairs into a single agency whose head reports directly to the President."

The Asencio Commission gave that agency a name, the Agency for Migration Affairs (AMA), and a mandate--to provide "overall leadership and direction for U.S. immigration policy and...to coordinate closely with other government agencies whose decisions affect migration." The AMA, moreover, would assume operational responsibility for all immigration and refugee matters by taking over most of the functions and personnel of the Immigration and Naturalization Service (INS), the Bureau of Consular Affairs, the Bureau for Refugee Programs, and the asylum unit of the Bureau of Human Rights and Humanitarian Affairs. The AMA would have independent status like the Environmental Protection Agency.

"The development and administration of immigration policy is far too important to be relegated to a step-child agency such as the INS," the report said, "which falls uncomfortably within the Department of Justice and which historically has been beset with serious management and resource problems. Nor should these functions continue to be diluted among three different bureaus in the State Department where they too often are subordinated to short-term departmental policy considerations and compete unevenly for resources and attention."

The Commission report also said that INS's service functions--adjudications, naturalization, and admissions--were "incompatible" with its enforcement functions--investigations and Border Patrol. The report recommended leaving the enforcement functions within the Department of Justice while shifting the INS service functions to the new migration agency.

Such a split, according to the report, would provide the basis for developing "a more professional corps of officers and

policymakers as is the case for both Australia and Canada."

"The asylum process should be treated as the life and death matter it may well be for applicants whose fate is in the hands of examiners who interview them for only a few minutes before making their decisions," said the report. "For this purpose, the AMA should establish a cadre of officers... who would handle only asylum cases and whose education and continued training would have provided them with specific, current area knowledge of the countries of origin of the people they interview."

On July 27, the INS published asylum regulations that would create a corps of asylum officers not in a separate agency--as suggested by the Asencio Commission--but within the INS itself (see Refugee Reports, Vol. XI, No. 7).

AMA Should Also Look at Immigration and Refugee Laws for "Mixed Status" Migrants

The AMA mandate "should include a comprehensive review of current immigration and refugee laws and policies in an effort to ensure that they reflect current migratory patterns, needs, and realities," the Commission report said. All countries on the receiving end of voluntary and involuntary migration, including the United States, "will need to continue to examine their legal frameworks for addressing new patterns of migratory movements that involve persons not easily categorized as refugees or regular immigrants. Many of the existing migration and humanitarian mechanisms are outdated and in urgent need of reform, particularly as they relate to these 'mixed status' migrants."

The substantial influx of Central American and Caribbean migrants in the 1980s--and the "disparate treatment" of Cubans and Haitians, as well as Nicaraguans and Salvadorans--prompted extensive debate on the Executive Branch's implementation of the Refugee Act of 1980, the report said.

Tens of thousands of Cubans and Haitians migrated to the United States in the 1970s and 1980s, including 125,000 Cubans in the 1980 Mariel boatlift. Although Congress provided a special legalization program for Cuban and Haitian entrants in 1986, since 1982 the INS and the U.S. Coast Guard have operated an interdiction program to bar Haitian boat arrivals and return them to Haiti.

The number of Central American asylum seekers jumped dramatically in the late 1980s and although, the report noted, most would agree that Central Americans were migrating for a variety of reasons, "including armed conflict, political repression, and deteriorating conditions," more than 50 percent of Nicaraguan asylum applicants were approved over the last decade, while fewer than five percent of Salvadoran applicants were granted asylum.

The debate over implementation of the Refugee Act of 1980 "undoubtedly will continue in the 1990s and lead to more calls to expand the legal categories of international migrants for temporary or permanent admission," the report said. "Suggestions have included temporary safe-haven status, special humanitarian migrants along the lines of the Australian and Canadian models, and foreign policy migrants."

Development Approach is Particularly Important for Central America Given that two million people have been uprooted by armed conflict and political instability in Central America, the development approach to migration problems is "particularly important" in this region, the Commission concluded.

In May 1989, the United Nations convened an International Conference on Central American Refugees (CIREFCA) in Guatemela City, which delineated mechanisms for aiding refugees and displaced persons within a broader framework of regional peace and development efforts. "Regrettably, there has been little follow up on CIREFCA by the United States," the report said. (See Refugee Reports, Vol. XI, No. 7.)

The Commission recommended that the United States "should channel more funds through UN agencies, such as the UN High Commissioner for Refugees and the UN Development Program...[and] should devote more attention and resources to voluntary repatriation and reintegration efforts in Central America, particularly in the areas of counseling and the establishment of appropriate mechanisms to monitor the well-being and safety of returnees."

A limited number of copies of "Unauthorized Migration: An Economic Development Response" may soon be available by writing the Superintendent of Documents, U.S. Gov-

ernment Printing Office, Washington, DC 20402. (As of this writing, the GPO had not yet placed them in stock.)

Resources

DEMOGRAPHIC STUDY SURVEYS 15,000 BORDER CAMBODIANS

In view of the eventual repatriation of more than a quarter of a million displaced persons living on the Thai-Cambodian border, the Ford Foundation supported a survey of more than 15,000 Cambodians in three border camps, seeking answers to some basic questions: "Who are these people?.... What part of the country are [they] from?.... What percentage of the heads of families are widows?.... What kind of work did people do before the advent of the Khmer Rouge era? .... Do most people want to go back to the places of their birth?"

Written by James F. Lynch, "Border Khmer: A Demographic Study of the Residents of Site 2, Site B, and Site 8" is based on a survey of 15,525 respondents who, along with their accompanying relatives, comprised 25 percent of total civilian camp population on the border. About 9,000 questionnaires were completed in Site 2, which is affiliated with the Khmer People's National Liberation Front (KPNLF); another 4,300 came from Site B, affiliated with Prince Norodom Sihanouk; and 2,500 questionnaires were completed in Site 8, controlled by the Khmer Rouge.

Since 1982, these three resistance factions have been formally allied in the Coalition Government of Democratic Kampuchea, which is engaged in a civil war with the Vietnamese-backed government in Phnom Penh, headed by Prime Minister Hun Sen.

While the study presents detailed statistics on age, sex, marital status, date of arrival at the border, occupation, educational level, and geographic preferences for repatriation, "Border Khmer" resists the temptation to offer sweeping conclusions or broad recommendations. Instead, Lynch lets the numbers, by and large, speak for themselves.

Accompanied by 12 personal profiles of camp residents--including a teacher, noodle shop owner, seamstress, medic, housewife, farmer, Chinese entrepreneur, and widow--the statistics tell a vivid story:

- 23 percent of the inhabitants of the three camps are females of childbearing age (15-44).
- 36.7 percent of the populations in Site 2, Site B, and Site 8 is under 9 years old. More than half are under 20.
- The average family in the three camps comprises 4.5 people.
- 79 percent of all respondents were married; an additional 19.8 percent were widowed.
- Half of the respondents (including 67 percent of females) had no education in Cambodia at all; 28 percent had 1-3 years of schooling. Only 2 percent had 10 or more years of education.
- About 55 percent of respondents in Site 2 and Site B, and 80 percent in Site 8, arrived at the border in 1979. Site B had the highest percentage of new arrivals since 1985 (13.8 percent) and Site 8 the lowest (2.5 percent).
- The vast majority of respondents in each camp have had no contact with relatives in Cambodia since before their arrival on the border.
- 47 percent of respondents were born in Battambang (Cambodia's westernmost province, which once shared a 165-mile stretch of border with Thailand, Battambang recently was redistricted by the government) and nearly 59 percent named Battambang as their preferred destination for repatriation.
- More than 60 percent of respondents in all three camps (over 70 percent in Site 8) said that they intended to work as farmers upon returning to Cambodia. Roughly 10 percent said they would work as vendors.
- In Site 2 and Site B, 40-50 percent of respondents said they had been farmers during the Sihanouk and Lon Nol eras (1954-1975). Nearly 90 percent said they were farmers under Pol Pot.
- Nearly 60 percent of respondents in Site B cited their occupation in the camp as housewife (89 percent of Site B respondents were female). Only about 2 percent gave that as an occupation under Sihanouk or Lon Nol, and 0.1 percent (3 respondents out of 4,320) said they had been housewives under Pol Pot.

UNICEF REPORTS ON THE STATUS OF WOMEN AND CHILDREN IN CAMBODIA

Two decades of regional conflict, genocidal brutality, foreign occupation, and civil war in Cambodia have left the country "impoverished with ruined schools, health facilities and factories, a chronic lack of medical and educational equipment and supplies, still too few adequately trained teachers and health workers, and an overall weak economic and social infrastructure," according to a new book published by the United Nations Children's Fund (UNICEF).

"Moreover, the demographic structure of the population has been drama(.cally altered," the report said, noting that "64 percent of adults are women and nearly half the population is under 15 years of age." With so many men dead or away fighting, women also head some 35 percent of the households.

The UNICEF report, titled "Cambodia: The Situation of Children and Women," suggests that this predominance of women and children in Cambodia's population "has major implications for the country's basic services, economy, and labor force."

In a primarily agrarian country where 60 percent of farmers are female, "women's economic role is now extremely important," the report said. "They also raise supplementary income in rural areas by other seasonal or year-round activities, including the production of handicrafts."

One third of the state workforce are women, according to UNICEF, and in some light industries--textile mills, salt factories and rubber production--women outnumber men. But the report notes that in the state hierarchies, "the higher the rank the lower the female/male ratio." Increasing numbers of women are also involved in the formal and informal private sector.

"The high birth rate of 4 percent means that women are especially important to child survival and development, but bearing and raising large numbers of children with their physiques weakened by hardship and malnutrition (in addition to their onerous economic responsibilities) takes a heavy toll women's health," said the UNICEF report. Health services "have expanded greatly since 1979, [but] usage by rural women is still limited, not only because they are working when the facilities are open, but also because of distance, lack of transport, and low awareness of preventive health needs."

Orphaned, Abandoned, Handicapped, and Working Children at Special Risk "The conditions of abject poverty" in Cambodia, said the UNICEF report, "the breakdown of the traditional extended family, and the lack of knowledge and experience concerning basic health, hygiene and child care place the present generation of children at extremely high risk of physical, mental, and social deprivation." Those in "especially difficult circumstances" include orphaned, abandoned, handicapped, and working children.

In 1979, after nearly four years of Khmer Rouge control, Cambodia was invaded by Vietnamese troops who installed a friendly government in Phnom Penh. One of the many tragic legacies that government inherited was nearly one quarter of a million orphans. The Ministry of Social Action estimates that the number of orphaned and abandoned children is still as high as 192,000. Of these, 3,400 children are living in 26 orphanages in 16 provinces. The rest are living with their extended families or with other families, mostly in rural areas.

"Orphanages are usually housed in derelict and abandoned buildings and the orphans consequently suffer from serious problems relating to the poor living conditions, deficient sanitary facilities, and lack of equipment, materials, and trained personnel," according to the report. "Orphans range in age from infancy to as much as 24 years. Handicapped persons of all ages are also housed in the same institutions."

While no comprehensive surveys of childhood disability have been carried out since 1979, and virtually nothing is available on the situation prior to that time, a limited assessment of two provinces suggests that polio is the main cause of childhood disability in Cambodia, followed by meningitis and cerebral palsy. "There are several provinces," said the UNICEF report, "where armed conflict has given rise to thousands of children and adults with amputated limbs."

Copies of "Cambodia: The Situation of Children and Women" are available from UNICEF, UNICEF House, 3 UN Plaza, New York, NY 10017.

PATTERNS IN THE ADJUSTMENT OF SOUTHEAST ASIAN REFUGEES AGE 16 AND OVER--1989

Length of Residence in Months

	0-6	7-12	13-18	19-24	25-30	31-60
Labor force participation	17.9%	26.1%	30.8%	34.5%	34.2%	30.3%
Unemployment	*	38.1%	16.2%	13.3%	12.8%	2.7%
Weekly wages of employed persons	*	$203.98	$215.33	$206.57	$206.13	$219.74
Percent in English training	46.2%	41.0%	31.8%	37.9%	25.6%	14.8%
Percent in other training or schooling	17.9%	19.9%	21.1%	17.2%	23.9%	28.7%
Percent speaking English well or fluently	30.8%	33.5%	33.6%	36.0%	36.0%	51.3%
Percent speaking no English	28.2%	20.5%	26.0%	14.0%	17.3%	10.7%

* Base number of persons in this category is less than 10.
Source: U.S. Office of Refugee Resettlement, Report to the Congress, January 31, 1990.

REFUGEE REPORTS is published monthly for $35.00 per year for one subscription, $25.00 each for two or more subscriptions to the same addressee, or $25.00 each for ten or more subscriptions requested at the same time, mailed to separate addresses; overseas postage is an additional $24.00 for second class or an additional $75.00 for airmail; by ACNS, 95 Madison Avenue, Third Floor, New York, NY 10016. Second Class Postage paid at New York and additional mailing offices. POSTMASTER: send address changes to *Refugee Reports*, Sunbelt Fulfillment Services, P.O. Box 41094, Nashville, TN 37204.

Editorial comments and inquiries should be sent to: *Refugee Reports*, 1025 Vermont Avenue NW, Suite 920, Washington, DC 20005. All communications regarding subscriptions should be sent to: *Refugee Reports* Subscriptions, Sunbelt Fulfillment Services, P.O. Box 41094, Nashville, TN 37204. (615) 377-3322.

Basic subscription rate for 12 issues per year: $35.00; Multiple-copy rate: $25.00; Single copies of back issues: $3.00
Co-Editors: Bill Frelick and Virginia Hamilton; Staff Writers: Court Robinson and Hiram A. Ruiz
Distribution Manager: Carolyn Moore; Production Coordinator: Koula Papanicolas
© 1990 American Council for Nationalities Service. Rights of reproduction and redistribution reserved. ISSN 0884-3554.

Refugee Reports

A News Service of the U.S. Committee for Refugees, a Project of the American Council for Nationalities Service
Sunbelt Fulfillment Services
P.O. Box 41094
Nashville, TN 37204

20814KIANKE004 JAN91 26000****
ED KIANKA ACQUISITIONS EDTRR
CONGRESSIONAL INFORMATION SER
4520 EAST-WEST HWY STE 800
BETHESDA MD 20814

Address Correction Requested
Return Postage Guaranteed